

SUMMARY MINUTES

ABAG Executive Board Meeting No. 432
Thursday, May 17, 2018
Bay Area Metro Center
375 Beale Street, Board Room
San Francisco, California

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ABAG President David Rabbitt, Supervisor, County of Sonoma, called the meeting of the Executive Board of the Association of Bay Area Governments to order at about 7:05 p.m.

A quorum of the ABAG Executive Board was present at about 7:05 p.m.

Representatives and Alternates Present

Supervisor Candace Andersen
Supervisor Dave Canepa
Supervisor Cindy Chavez
Councilmember Chris Clark
Councilmember Julie Combs
Supervisor David Cortese
Councilmember Lan Diep
Councilmember Pat Eklund
Councilmember Lynette Gibson McElhaney
Supervisor Scott Haggerty
Mayor Barbara Halliday
Supervisor Erin Hannigan
Councilmember Dave Hudson
Councilmember Sergio Jimenez
Councilmember Wayne Lee
Supervisor Karen Mitchoff
Councilmember Julie Pierce
Supervisor Dave Pine
Supervisor David Rabbitt
Supervisor Belia Ramos
Supervisor Dennis Rodoni
Councilmember Greg Scharff
Mayor Trish Spencer
Supervisor Norman Yee

Jurisdiction

County of Contra Costa
County of San Mateo
County of Santa Clara
City of Mountain View
City of Santa Rosa
County of Santa Clara
City of San Jose
City of Novato
City of Oakland
County of Alameda
City of Hayward
County of Solano
City of San Ramon
City of San Jose
City of Millbrae
County of Contra Costa
City of Clayton
County of San Mateo
County of Sonoma
County of Napa
County of Marin
City of Palo Alto
City of Alameda
County of San Francisco

Representatives Absent

Mayor Len Augustine
Councilmember Annie Campbell Washington
Mayor Mark Farrell
Mayor Leon Garcia
Councilmember Abel Guillen
Councilmember Pradeep Gupta
Director William Kissinger *
Supervisor Nathan Miley

Jurisdiction

City of Vacaville
City of Oakland
City of San Francisco
City of American Canyon
City of Oakland
City of South San Francisco
RWQCB
County of Alameda

Councilmember Raul Peralez	City of San Jose
Dir John Rahaim, Planning	City of San Francisco
Dir Todd Rufo, Economic and Workforce Dev	City of San Francisco

* Non-voting Advisory Member

Staff Present

Steve Heminger, MTC Executive Director
Adrienne Weil, MTC General Counsel
Alix Bockelman, MTC Deputy Executive Director, Policy
Brian Mayhew, MTC Chief Financial Officer
Brad Paul, MTC Deputy Executive Director, Local Government Services

2. PUBLIC COMMENT

The following individual gave public comment: Ken Bukowski.

3. ANNOUNCEMENTS

Pat Eklund, Councilmember, City of Novato, reported that the Marin County ABAG General Assembly Delegates and Alternates met on April 30 and discussed Plan Bay Area 2050 (PBA), the Regional Housing Needs Assessment, the Committee to House the Bay Area. Brad Paul, MTC Deputy Executive Director, Local Government Services, and Bobby Lu, MTC Assistant Planner, attended the meeting. She asked whether ABAG will develop a PBA Public Participation Plan.

[Forward MTC PPP to EB]

4. PRESIDENT'S REPORT

President Rabbit clarified his appointments to the ABAG Legislation Committee which were ratified at the January meeting. He noted his appointment of Karen Mitchoff, Supervisor, County of Contra Costa, to the committee, but not Dave Pine, Supervisor, County of San Mateo.

President Rabbitt recognized a motion by Greg Scharff, Councilmember, City of Palo Alto, which was seconded by Julie Pierce, Councilmember, City of Clayton, to confirm the appointment of Mitchoff to the ABAG Legislation Committee ratified at the January meeting.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Jimenez, Miley, Peralez, Rahaim, Rufo, Spencer, Yee.

The motion passed unanimously.

President Rabbitt reminded members of the ABAG General Assembly on May 31, 2018, and encouraged Delegates to register and attend.

5. EXECUTIVE DIRECTOR'S REPORT

Steve Heminger, MTC Executive Director, gave his report and noted that the House of Representatives passage of the reauthorization of the Federal Aviation Administration included an amendment to require the appointment of local elected officials to the MPO governance for the Twin Cities of Minneapolis and St. Paul; the CASA Steering Committee met on April 25, 2018 and the Technical Committee met on May 16, 2018; the recommendation for spending under SB 1 Competitive Programs was released; President Rabbitt and Metropolitan Transportation Commission members met with Scott Weiner, California State Senator, on housing legislative agenda; and a record number of MTC and ABAG members participated in Bike to Work Day on May 10, 2018.

Heminger presented a chart showing the jobs-housing imbalance and a map showing housing production in the Bay Area.

6. CONSENT CALENDAR

President Rabbitt recognized a motion by Eklund, which was seconded by Erin Hannigan, Supervisor, County of Solano, to approve the Consent Calendar.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Jimenez, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed unanimously.

- A. Approval of Executive Board Summary Minutes of Meeting No. 431 held on March 15, 2018**
- B. Authorization to Amend Agreement #4600010575 (Integrated Regional Water Management Round 2) between Department of Water Resources and Association of Bay Area Governments to Extend the Grant Term by Two Additional Years through December 31, 2020; to Withdraw Project 13 from the Agreement; and to Reallocate Project 13's Grant Share Funds in the amount of \$500,000 to Projects 1, 10 and 20 for Additional Work**
- C. Authorization to Amend Grant Administration Assistance Agreement between Horizon Water and Environment, LLC and ABAG, under ABAG/Department of Water Resources Agreements #4600010575, #4600010883, and #4600011486, to Extend Contract Duration through December 31, 2021 and to Increase the Budget by \$575,253 for a Total Contract Amount not to exceed \$975,253**
- D. Authorization to Enter into an Agreement with Alameda County Flood Control and Water Conservation District for Permit Assistance Services, from August 10, 2018 through August 9, 2023, in the amount of \$1,190,700**

- E. Authorization to Revise Sub-award Totals under the U.S. Environmental Protection Agency Urban Greening Bay Area Award to ABAG of \$1,730,862 (W9-99T26201) for the City of San Mateo in the amount of \$200,000 and the City of Sunnyvale in the amount of \$250,000**
- F. Authorization to Enter into Contract Modification with Delta Stewardship Council on behalf of the San Francisco Estuary Partnership for Additional Science Program Support, from July 1, 2018 through June 30, 2020, in the amount of \$100,000 for a Total Agreement Amount of \$951,000**
- G. Adoption of ABAG Resolution No. 05-18, Authorizing Submitting a Grant Application to the State Water Resources Control Board's State Revolving Fund for Clean Water on behalf of the San Francisco Estuary Partnership for up to \$1 million for Nature-based Shoreline Infrastructure Design, Monitoring, and Technical Guidance and, if awarded, to enter into an Agreement**
- H. Approval of Contract Amendment between Frontier Energy and Bay Area Regional Energy Network (BayREN) extending the Existing Contract through the end of Calendar Year 2018, updating the Scope of Work, and providing Associated Budget not to exceed \$367,870**
- I. Authorization to Accept Additional Funding from the California Public Utilities Commission (CPUC) for Bay Area Regional Energy Network (BayREN) in an amount up to \$13.1 million and to Enter into Contract Negotiations with Pacific Gas & Electric Company (PG&E) to amend an Existing Funding Agreement**
- J. Approval of Contract Amendment between CLEAResult Consulting, Inc. and Bay Area Regional Energy Network (BayREN) extending the existing Contract through the end of Calendar Year 2018, updating the Scope of Work, and providing Associated Budget not to exceed \$6,377,000**

7. ABAG ADMINISTRATIVE COMMITTEE REPORT

President Rabbitt reported on the special joint meeting with the MTC Planning Committee on April 13, 2018 at which was received a staff report on the Release of MTC's Draft 2018 Public Participation Plan with an overview of the evaluation of Plan Bay Area 2040 outreach, and a report on Horizon—Preliminary Guiding Principles of regional aspirations over the next three decades to guide the Futures process.

The ABAG Administrative Committee also met on May 11, 2018 with the MTC Planning Committee and received a report on Plan Bay Area 2040 Action Plan—Implementation Efforts, an update on ABAG and MTC's progress toward implementing actions articulated in the Plan Bay Area 2040 Action Plan to address housing, economic development, and resilience challenges.

President Rabbitt recognized a motion by Scharff, which was seconded by Pierce, to approve the committee report.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Jimenez, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed unanimously.

8. ABAG LEGISLATION COMMITTEE REPORT

Committee Chair Haggerty reported on the special joint meeting with the MTC Legislation Committee on May 11, 2018, which included a report on AB 2923 (Chiu): BART Transit Oriented Development. The Committee recommended that the Executive Board take a position of support if amended.

President Rabbitt recognized a motion by Haggerty, which was seconded by Julie Combs, Councilmember, City of Santa Rosa, to take a support if amended position on AB 2923 (Chiu).

Members discussed limiting legislation to currently owned BART land; local control and infrastructure; development costs and economic benefits.

President Rabbitt recognized a substitute motion by Scharff, which was seconded by Barbara Halliday, Mayor, City of Hayward, to take an oppose position on AB 2923 (Chiu).

Members discussed zoning, land use, and local control; continuing to work with legislation author; end of line stations and parking; limitations on amendments; city TOD policies; transit and parking.

Mitchoff made a friendly amendment to take an oppose unless amended position on AB 2923 (Chiu). Scharff and Halliday accepted the friendly amendment.

Members discussed local agency TOD standards; providing staff with amendments.

Heminger requested members to provide amendments to staff and commented on BART TOD standards.

Members discussed MTC Resolution 3434 and MTC position on legislation.

President Rabbitt noted the amendments included BART parking replacement policy, currently BART owned land, and end of line station exemption.

There was no public comment.

President Rabbitt directed the Clerk to conduct a roll call vote.

The aye votes were: Combs, Eklund, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Ramos, Rodoni, Scharff, Spencer, Yee (13)

The nay votes were: Andersen, Canepa, Chavez, Cortese, Diep, Gibson McElhaney, Jimenez, Pierce, Pine, Rabbitt, Clark (11)

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed.

Chair Haggerty reported that the Committee then deferred action on the remaining legislation until its meeting on May 17, 2018.

The Committee received the staff report on SB 828 (Wiener): Regional Housing Needs Assessment and Allocation.

President Rabbitt recognized a motion by Haggerty, which was seconded by Pierce, to take a support if amended position on SB 828 (Wiener).

Members discussed amendment recommendations to address concerns, including avoiding “double counting,” ensuring any “rollover” provision serves as a floor for a jurisdiction’s next cycle allocation, and making sure HCD gets to the right RHNA determination for the Bay Area.

Members discussed local jurisdiction unmet housing need; local jurisdictions zoning for housing; jobs-housing imbalance; RHNA housing methodology.

Heminger differentiated between the RHNA number for the region and its allocation to jurisdictions.

Members discussed using a jurisdiction’s housing deficit from the previous cycle as the minimum allocation in the next cycle; double-counting or over-inflating housing.

Members discussed businesses building housing; urban growth boundaries; Costa Hawkins and rent control.

The following individual gave public comment: Ken Bukowski.

President Rabbitt directed the Clerk to conduct a roll call vote.

The aye votes were: Andersen, Canepa, Clark, Combs, Cortese, Gibson McElhaney, Haggerty, Hannigan, Jimenez, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Yee (17)

The nay votes were: Chavez, Diep, Eklund, Halliday, Hudson, Lee, Spencer (7)

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed.

The Committee received the staff report on AB 1771 (Bloom): Regional Housing Needs Allocation.

President Rabbitt recognized a motion by Haggerty, which was seconded by Pierce, to take an opposed unless amended position on AB 1771 (Bloom).

There was no member discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Cortese, Diep, Eklund, Gibson McElhaney, Haggerty, Halliday, Hannigan, Hudson, Jimenez, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee (24)

The nay votes were: None.

Abstentions were: None.

Summary Minutes

ABAG Executive Board Meeting No. 432

Thursday, May 17, 2018

Page 7

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo (10)

The motion passed unanimously.

The Committee received the staff report on SB 831 (Wieckowski): Accessory Dwelling Units (ADU).

President Rabbitt recognized a motion by Haggerty, which was seconded by Scharff, to take a support if amended position on SB 831 (Wieckowski).

Members discussed the amendment regarding parking standard consistent with existing laws; opposition position by League of California Cities, California State Association of Counties, and Urban Counties of California; ADU benefits;

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Cortese, Diep, Haggerty, Hannigan, Hudson, Jimenez, Lee, Pierce, Pine, Rabbitt, Rodoni, Scharff, Yee (17)

The nay votes were: Eklund, Halliday, Mitchoff, Spencer, Ramos (5)

Abstentions were: Combs, Gibson McElhaney (2)

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo (10)

The motion passed.

The Committee received the staff report on SB 1469 (Skinner): Accessory Dwelling Units.

President Rabbitt recognized a motion by Haggerty, which was seconded by Pierce, to take a support position on SB 1469 (Skinner).

Members discussed opposition position by League of California Cities and California State Association of Counties.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Cortese, Diep, Gibson McElhaney, Haggerty, Hannigan, Jimenez, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Yee (20)

The nay votes were: Eklund, Halliday, Hudson, Spencer (4)

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo (10)

The motion passed.

The Committee accepted the staff report on AB 2372 (Gloria): Floor Area Ratio Bonus.

President Rabbitt recognized a motion by Haggerty, which was seconded by Lynette Gibson McElhaney, Councilmember, City of Oakland, to take a support and seek amendments position on AB 2372 (Gloria). The amendment is with regards to consistency of parking requirements with existing density bonus parking requirements for projects near transit.

There was no member discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Cortese, Diep, Gibson McElhaney, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee (22)

The nay votes were: None.

Abstentions were: Eklund, Jimenez (2)

Absent were: Augustine, Campbell Washington, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo (10)

The motion passed.

9. ABAG FINANCE COMMITTEE REPORT

Committee Chair Mitchoff, Supervisor, County of Contra Costa, reported on the committee meeting of May 17, 2018, including a report on investments with funds available to address with a fourth quarter shortfall.

President Rabbitt recognized a motion by Mitchoff, which was seconded by Sergio Jimenez, Councilmember, City of San Jose, to approve the committee report.

There was no discussion.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Jimenez, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed unanimously.

10. ABAG REGIONAL PLANNING COMMITTEE REPORT

Vice Committee Chair Julie Combs, Councilmember, City of Santa Rosa, reported on the committee meeting of April 4, 2018, which included a report on progress towards establishing a Bay Area Economic Development District and a report on the upcoming call for projects for the OBAG 2 Priority Conservation Areas competitive projects and an update on OBAG 1 PCA program.

President Rabbitt recognized a motion by Combs, which was seconded by Wayne Lee, Councilmember, City of Menlo Park, to approve the committee report.

Pierce announced the birthday of Committee Chair Pradeep Gupta, Councilmember, City of South San Francisco.

There was no public comment.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Jimenez, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed unanimously.

A. Report on Regional Economic Development District (EDD)

Cynthia Kroll, MTC Assistant Planning Director, and Johnny Jaramillo, MTC Principal Planner, gave the staff report.

Members discussed the proposed organization structure; city and county elected official representation; workforce housing; affordable and middle income housing; selection and appointment of board members; relationship between EDD and ABAG.

Adrienne Weil, MTC General Counsel, noted, based on advice from non-profit tax counsel and corporate counsel, that the ABAG Executive Board can initially appoint the members of the independent 501c(3) corporation, the independent corporation then acts on board member substitutions or replacements, and the bylaws can be written so that the board can consult and take recommendations from the ABAG Executive Board on appointments.

President Rabbitt recognized a motion by Mitchoff, which was seconded by Haggerty, to accept the staff report and to direct staff to submit an application on behalf of ABAG and MTC to the U.S. Economic Development Administration to establish a Greater Bay Area regional economic development district.

The following individuals gave public comment: Katie Bowman, City of San Leandro; Kara Gross, Silicon Valley Economic Development Alliance; Jeff Bellisario, Bay Area Council Economic Institute; Darien Louie, East Bay Economic Development Association.

The aye votes were: Andersen, Canepa, Chavez, Clark, Combs, Diep, Eklund, Gibson McElhaney, Jimenez, Haggerty, Halliday, Hannigan, Hudson, Lee, Mitchoff, Pierce, Pine, Rabbitt, Ramos, Rodoni, Scharff, Spencer, Yee.

The nay votes were: None.

Abstentions were: None.

Absent were: Augustine, Campbell Washington, Cortese, Farrell, Garcia, Guillen, Gupta, Miley, Peralez, Rahaim, Rufo.

The motion passed unanimously.

B. Report on North Bay Fire Support Efforts

Heminger introduced Henry Gardner, former ABAG Executive Director and former Oakland City Manager.

Gardner reported on North Bay Fire support efforts and noted the importance of mutual aid for city managers in response to disasters. He described the aftermath of the fires and debris removal and water contamination; the extent of damage; houses lost; demographics of those affected; and parallels with the Oakland firestorm.

He acknowledged the assistance of United Policy Holders which was formed after the Oakland hill fire storms to advocate for victims; and the efforts of the City of Santa Rosa and County of Sonoma, cooperation between the city councilmembers and county supervisors, and the commitment of their respective staff to their work and community.

He noted attention to assisting renters and low income residents; the under-insured and those without insurance; ensuring FEMA support for renters; documenting FEMA commitments; considering tax increment financing, relief from CEQA requirements, and standards for rebuilding; and not re-victimizing the victim

Combs noted appreciation for the guidance and assistance provided and need for resilience preparedness.

President Rabbitt acknowledged the cooperation between the city and county; noted the associated cost-sharing with federal aid; and commented on the Cal OES early warning system. He also acknowledged the mutual support received, particularly from the County of Alameda and the City and County of San Francisco, and the assistance given to Journey's End and those in senior housing. He reported on the continuing work regarding the PGE lawsuit.

Gardner stated that a list of related legislation is being developed for which he requested ABAG review and support.

The following gave public comments: Ken Bukowski.

11. ADJOURNMENT

President Rabbitt adjourned the meeting of the ABAG Executive Board at about 9:52 p.m.

The next regular meeting of the ABAG Executive Board is on July 19, 2018.

Submitted:

/s/ Fred Castro, Clerk of the Board

Date Submitted: June 14, 2018

Approved: July 19, 2018

For information or to review audio recordings of ABAG Executive Board meetings, contact Fred Castro, Clerk of the Board, at (415) 820 7913 or fcastro@bayareametro.gov.